

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFREDO TARUC Y SAPAN AND ANTONIO EFE, JR. Y LEYCE.*G.R. Nos. 69337-38. March 08, 1989*

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-69337-38/>**CRUZ, J.:**

For all its many distinctions good and bad, the district of Tondo in Manila is best known perhaps for its criminality. This is the home ground of the notorious gangs, the restless battleground of their countless confrontations, the scene of many murders that have exacted during these many years a terrifying toll in lives, and not only of the wicked but unfortunately also of the innocent. As a result, one might say that its inhabitants, especially in the depressed areas where lawlessness is most rampant, have become cynical and hardened and not easily unnerved by the many disturbing things going on around them. Unusual to others, the daily killings and stealings and other affronts to law and order have become to them a commonplace, part of a way of life that must be accepted with resignation if not indifference, and with the inevitable prayers to an Almighty Being who will deliver them from evil.

Still and all, there was no small excitement when in the early morning of May 10, 1981, the lifeless body of a young man was found sprawled on Mabagos street with two wounds and several abrasions on his chest, welt marks around his neck, and banana peelings stuffed in his mouth. He was immediately recognized as Luis Martinez, a resident in the area. Word of the dead man spread fast and wide and soon enough, as might be expected of the close neighborhood, there were whispered rumors of another victim who was in hiding for fear of further violence from the killer or killers. Investigation revealed this person to be Federico Sanchez, a homosexual beautician, who was found the following day in a police outpost where he had sought refuge. He was to be the principal witness for the prosecution in the two cases for murder and frustrated murder now on appeal before us.

The accused were Alfredo Taruc and Antonio Efe, Jr., who were both convicted by the trial court and sentenced for the murder of Luis Martinez to "suffer imprisonment of Reclusion Perpetua, to indemnify the heirs of Luis Martinez in the amount of P12,000.00, as compensation for the death of Luis Martinez; the amount of P6,000.00, representing the funeral expenses of Luis Martinez; the amount of P10,000.00, as reimbursement for the cost of travel and stay in the Philippines of Alfredo Martinez, and the amount of P10,000.00, attorney's fees" and for the frustrated murder of Federico Sanchez "to suffer imprisonment in an indeterminate term of two (2) years, ten (10) months and twenty (20) days of prision correccional, as minimum, to six (6) years, one (1) month and eleven (11) days of prision mayor as maximum," and in both cases "to suffer all the accessory penalties provided for by law, and to pay the costs." [1]

At the time of the promulgation of the judgment, Efe had already died of pulmonary tuberculosis while detained in the city jail of Manila. This appeal was made only by Taruc, who assigns four errors of the trial court he now asks to be reversed.

The appealed decision held the evidence of the prosecution far more credible than that offered by the defense.

Much weight was given especially to the testimony of Sanchez, who was the only eyewitness to the incident in question and also an alleged victim of the frustrated murder.

Sanchez, who is also known as Manuela, says he had just left a "gay" dinner-dance and was talking to two women in a street corner at about two thirty o'clock in the morning of May 10, 1981, when Taruc approached him and asked him to come with him to his house. When they arrived there, he was shocked to find Efe strangling Martinez with a nylon cord with wooden handles at each end and also forcing banana peelings into the latter's mouth. Martinez looked helpless, with his tongue hanging out, and was offering not much of a struggle although he was resisting as best as he could. Efe was demanding to know the whereabouts of a certain Boy Baba, who had stabbed Taruc some weeks before, but Martinez would not or could not give any answer. Before Sanchez realized it, a length of wire had also been drawn around his own neck by Taruc, who also wanted to know where Boy Baba was. By way of further persuasion, Taruc stabbed Sanchez in the thigh three times with a balisong and continued to strangle him. He also slashed his dress and warned that both he and Martinez would die that night if they did not tell him where to find Boy Baba. Efe and Taruc then changed places, and Efe boxed Sanchez in the mouth and poked a gun at him, then took over strangling him. But as Efe noticed that Taruc needed assistance because he was apparently still weak from his wounds, Efe released Sanchez to help Taruc. Together, they again forced banana peelings into Martinez's mouth and continued strangling him. They also stabbed him in the chest. The two being thus occupied, Sanchez seized the opportunity to escape, running out of the house and thereafter immediately going into hiding in the police outpost until he reappeared the following day to denounce his assailants.[2]

Sanchez's testimony was corroborated by the autopsy report of Dr. Marcial Ceñido, a medico-legal officer of the Western Police District, who testified that Martinez died of asphyxia by strangulation with two stab wounds in the chest at about 2:30 o'clock in the morning of May 10, 1981. Banana peelings were found in his mouth and stomach.[3] Dr. Januario Estrada III of the Philippine General Hospital declared that when he examined Sanchez on May 11, 1981, he found the patient with a circumferential abrasion in the neck and punctured wounds in the thigh which he no longer treated because they were already closed. He added that both the abrasion and the wounds were superficial and barring complication or infection would heal by themselves.[4]

Worthy of special note is the testimony of Flor Dalangin, who took pictures of the corpse after its discovery and exhibited them in court. Dalangin declared she saw Taruc at the window of his house with his chin resting on his two hands and looking at the people milling around the dead person. She said she could not understand his expression because he was smirking ("nakangisi") as if he was enjoying the sight of his neighbors around the dead Martinez.[5]

Anacleto Martinez, father of the deceased, testified on the civil damages and declared he had to come all the way from Canada, where he was residing, to take care of his son's burial. He itemized his fare and the funeral and other expenses he incurred.[6] Patrolman Luis Lim merely narrated his investigation of the crime and how he discovered Sanchez at the police outpost and took him to the hospital for medical examination.[7]

Taruc's defense consisted merely of denial. He claimed he was in his house at the time of the alleged commission of the offenses and was asleep from 9 o'clock in the evening of May 9, 1981, until 7 o'clock of the following morning, when he was awakened by a neighbor who told him of the dead body near his house.[8] He was corroborated by his common-law wife, Angelina Comendador, and her sister Amelita.[9] Angelina was not very helpful, however, because she declared eight times that Taruc was asleep during the hours mentioned from May 8, 1981, and until the morning of May 9, 1981, not realizing the dates she mentioned were irrelevant if not damaging to Taruc's defense.[10] She also testified that she and Taruc did not go out to look at the corpse but did not explain their lack of curiosity.[11]

The trial court also disbelieved Efe, who claimed alibi and said he was in his house suffering from influenza when the offenses were allegedly committed in Taruc's house. Remarkably, he also testified that neither Sanchez nor Martinez was in Taruc's house at the time although he did not say how he could have known.[12] The corroboration offered by Efren Paez was also rejected. This witness in effect contradicted Efe's testimony that he was sick on May 9, 1981, because his own declaration was that he spent the day installing tiles in Efe's house and that later in the evening they had a drinking session. He said he got drunk and fell asleep in Efe's house, where he awoke at noon the following day to find Efe still sleeping. But, of course, he could not know what Efe was doing while he himself was fast asleep. Paez admitted he had been a member of the notorious Sputnik gang since he was a boy.[13]

In challenging the judgment convicting him of murder and frustrated murder, Taruc argues that the trial court erred in giving credence to the testimony of Federico Sanchez; in not finding that Luis Martinez had been killed earlier than 2:30 a.m. on May 10, 1981; in holding that Taruc had the strength to strangle Martinez at the time; and in not applying the constitutional presumption of innocence in favor of the accused-appellant.[14]

The thrust of the first assignment of error is that Sanchez committed a number of significant inconsistencies in his testimony that rendered him unreliable as a witness, let alone the fact that he had a motive against both Taruc and Efe. The defense questions the observation of the trial court that as a homosexual, Sanchez would have been deterred by his timid nature from testifying against the two accused-appellants, who were notorious "toughs," unless he was telling the truth. Taruc says Sanchez was a police character himself, having been earlier convicted of theft and later charged with physical injuries.[15] The appellant's brief painstakingly pointed to his many contradictions not only in his statements on the stand but also between these statements and an earlier affidavit he had signed.[16] As for motive, the defense stressed that Sanchez had a grudge against Taruc because the latter had rebuffed him when he once made an indecent advance and against Efe who, when he was still a policeman, had arrested Sanchez on a charge Efe could no longer remember.[17]

The Court has examined the claimed inconsistencies and contradictions and find with the trial judge that they are really minor flaws that do not impair the basic veracity of the narration by Sanchez of the commission of the offenses in the morning of May 10, 1981. Besides, it is corroborated in its material points by the physical evidence of the injuries sustained by the two victims, and of the banana peelings found in the Martinez's stomach, as reported by their respective medical examiners, who were certainly disinterested witnesses. Given this report, Sanchez's testimony is in our view not rendered suspect by his criminal record, and neither by the supposed motives as alleged only by the defendants themselves.

In any event, it must be remembered that the witness was relating an exceptionally harrowing and traumatic incident in which a person was being strangled before his very eyes even as his own life was being threatened with the taut wire around his neck. One cannot expect perfect recollection of this experience which the witness was perhaps subconsciously trying to push out of his mind, rejecting all its hideous memories in every correct detail.

The defense also argues that Martinez could not have been killed at 2:30 o'clock in the morning of May 10, 1981, because the medical evidence proves he had died earlier, at about 6:30 o'clock in the evening of May 9, 1981. This conclusion is based on the autopsy report of Dr. Ceñido finding complete rigor mortis in the cadaver when the autopsy thereon was performed at 10:45 a.m. of May 10, 1981, and his testimony that death might have occurred about sixteen hours before.[18]

That statement was just an approximation, not an exact determination. Such precise pinpointing of the hour of death was not possible as rigor mortis is dependent on a number of factors, such as the climate, the age of the

person, his physical condition, and other circumstances existing at the time of his demise. There is also the medical view that the early setting in of rigor mortis may be due to exhaustion of muscular irritability, which in the present case could have been caused by the struggles of Martinez while he was being strangled.[19] Notably, on further interrogation, the same witness said that rigor mortis usually sets in about six to twelve hours after death, which would be consistent with the allegation of the prosecution that Martinez was killed at 2:30 a.m. of May 10, 1981, or eight hours before the autopsy was conducted.[20]

The next contention of the defense is that it was not possible for Martinez to have been strangled by Taruc who had not yet recovered from the stab wounds inflicted on him by Boy Baba or for that matter by Efe who was then already a tubercular. Neither of the accused had the strength at the time to overpower Martinez who was younger, being only 24 years old when he was killed, and had an athletic build.[21] Taruc was stabbed on April 12, 1981, and was hospitalized for eight days after undergoing surgery. He was still under treatment and in fact reported back to the hospital for this purpose on May 9, 1981. As for the 44-year old Efe, who was Taruc's senior by 5 years,[22] it is established that he eventually died of tuberculosis while under detention in the city jail of Manila.

The mere fact that Taruc was stabbed a month before and was according to him not yet completely healed would not necessarily signify that he could not have strangled Martinez. Even assuming he was weak as he contended, it should not be forgotten that he and Efe were armed with a knife and a revolver that discouraged the victim's resistance, coupled with the fact that he had taken alcohol before his death, as the autopsy report indicated, and was probably unable to defend himself because he was intoxicated. More importantly, it should also be noted that when Taruc could not strangle Martinez by himself, Efe went to his assistance and the two of them together succeeded in committing the murder.

The defense insists that the prosecution has not overcome the constitutional presumption of innocence, but we do not agree. It is the defense in fact which has not refuted the evidence of the prosecution establishing the guilt of the accused and thus overcoming the presumption. The burden of evidence had obviously shifted as early as when, after the prosecution had rested, the accused petitioned for bail, which was denied by the trial court.

In this connection, it is suggested by the defense that Judge Antonio M. Martinez, who rendered the decision, was not the same judge who heard the evidence for the prosecution and so did not have the opportunity to observe the demeanor of the witnesses on the stand and assess their credibility. As the Solicitor General correctly pointed out, however, Judge Fidel P. Purisima, who presided at the trial earlier, had that opportunity and apparently gave much credence to the said witnesses, especially Sanchez. It was on the basis of their testimony that he denied bail to the accused on the ground that the evidence against them was strong.

We affirm the ruling of the trial court holding the accused-appellant guilty of murder, with the qualifying circumstance of evident premeditation, which has been established. Martinez was undoubtedly lured into Taruc's house with the intention of strangling him with the nylon cord prepared for the purpose. The crime was attended by the generic aggravating circumstance of cruelty as manifested by the stab wounds inflicted on Martinez and the perversion of forcing banana peelings into his mouth while he was being strangled. But we do not agree that there was treachery because the evidence of the prosecution on this point is rather meager, and neither, conversely, has the defense proved any mitigating circumstance.

The penalty imposable under Article 248 of the Revised Penal Code would have been death, but this is now reduced to reclusion perpetua conformably to Article III, Section 19(1) as interpreted in the recent case of *People v. Millora*. [23] The award of damages is sustained except for the civil indemnity, which is hereby increased to P30,000.00.

The conviction for frustrated murder must be modified. It should be noted that the doctor who examined Sanchez

described as superficial the ligature mark around his neck and the punctured wounds on his thigh, which did not have to be treated because they were already closed at the time, a day after the incident in question.[24] This would suggest that, contrary to the allegation of the prosecution, Taruc did not intend to also murder Sanchez but only to frighten and intimidate him. Their real target was Martinez. In fact, while strangling Sanchez, Efe released him to help Taruc kill Martinez, thus allowing Sanchez the opportunity to escape. The conviction in the case for frustrated murder should therefore be and is hereby reduced to only slight physical injuries, punishable only with *arresto menor*.

In the case of Efe, who has not appealed, it is noted that he died on November 5, 1983, before the promulgation of the decision convicting him with Taruc on March 9, 1984.[25] Hence, that part of the challenged decision holding him guilty as charged and imposing penalties and damages upon him must be set aside as null and void *ab initio*. [26] The applicable rule is Article 89 of the Revised Penal Code providing that criminal liability is totally extinguished:

"1. By the death of the convict as to the personal penalties; and as to pecuniary penalties, liability therefore is extinguished only when the death of the offender occurs before final judgment."

Whoever Luis Martinez was, he did not deserve the way he died. The circumstances under which the crimes were committed in this case raise many disturbing questions about the warped minds in our society that have marred our pride in the amiable and gentle nature of the Filipino as celebrated in our songs and folklore. It is a pity that the acts of a few deviants like the accused-appellant should reflect upon the good people of Tondo, who constitute the majority of its inhabitants. Despite the dehumanizing conditions in which many of them live, they continue to be law-abiding and God-fearing citizens who pursue honest and useful occupations and in their humble way do credit to their community and the nation.

WHEREFORE, judgment is hereby rendered as follows:

(1) In Criminal Case No. 61218, the conviction of the accused-appellant for murder is **AFFIRMED**. His penalty is retained at reclusion perpetua as so is the award of damages except as to the civil indemnity, which is increased to P30,000.00.

(2) In Criminal Case No. 61219, the conviction of the accused-appellant for frustrated murder is **REVERSED** and he is convicted instead of slight physical injuries, with the reduced penalty of *arresto menor*.

(3) The portion of the challenged decision convicting Antonio Efe, Jr. of murder and frustrated murder and imposing upon him criminal and civil liabilities is hereby **SET ASIDE**, said liabilities having been extinguished by his death before final judgment.

SO ORDERED.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, p. 60.

[2] TSN, July 10, 1981, pp. 4-28; TSN, August 20, 1981, pp. 18-19; TSN, August 22, 1981, p. 105.

[3] TSN, September 16, 1981, pp. 34-39; *Ibid*, pp. 41-43.

[4] TSN, December 16, 1981, pp. 19-29.

[5] TSN, September 2, 1981, pp. 25-28.

- [6] TSN, December 3, 1981, pp. 24-30.
- [7] TSN, October 21, 1981, pp. 15-18.
- [8] TSN, May 5, 1982, pp. 47-51.
- [9] TSN, March 19, 1982, pp. 6-13; TSN, February 26, 1982, pp. 8-12.
- [10] TSN, March 19, 1982 pp. 6-12.
- [11] TSN, April 5, 1982, pp. 13-14.
- [12] TSN, July 23, 1982, pp. 9-10.
- [13] TSN, February 16, 1982; pp. 37-41; TSN, February 25, 1982, pp. 26-28.
- [14] Appellant's Brief, pp. 1-2, Rollo, p. 68.
- [15] Appellant's Brief, pp. 13-20, Rollo, p. 68.
- [16] Ibid.
- [17] TSN, May 11, 1982, pp. 33-35; TSN, July 23, 1982, p. 18.
- [18] Appellant's Brief, pp. 49-50; TSN, October 11, 1981, p. 14.
- [19] John Glaister & Edgar Rentoul, Medical Jurisprudence and Toxicology, 12th Ed., pp. 113, 173; Douglas J.A. Kerr, Forensic Medicine, 5th Ed., p. 59; Gonzalez, Vance, Helpen and Umberger, Legal Medicine, Pathology and Toxicology, 2nd Ed., p. 56.
- [20] TSN, September 15, 1981, pp. 36-37.
- [21] Appellant's Brief, pp. 51-53, Rollo, p. 68.
- [22] TSN, July 23, 1982, p. 4.
- [23] G.R. Nos. L-38968-70, promulgated on February 9, 1989.
- [24] TSN, December 16, 1981, pp. 19-29.
- [25] Original Records, pp. 271-273.
- [26] People v. Jose, L-28397, June 17, 1976; People v. Sendaydiego, 81 SCRA 120; People v. Tirol, 102 SCRA 558.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.